

Rattlesnake Review Group Public Meeting  
FINAL Meeting Minutes  
Belchertown Town Hall  
Belchertown, MA

February 28, 2017; 6:30 P.M.

Participants Present

Dr. Joseph Larson: Chairman, Fisheries and Wildlife Board  
Mary Lee King: Deputy Commissioner, Department of Fish and Game  
Jack Buckley: Director, Division of Fisheries and Wildlife  
Jonathan Yeo: Director of Water Supply Protection, Department of Conservation and Recreation  
Anne Gobi: State Senator, Spencer  
Susannah Whipps Lee: State Representative, Athol  
Joel McAuliffe: District Director for Senator Lesser, 1<sup>st</sup> Hampden and Hampshire  
Dan Hammock: Quabbin Fishermen's Association  
Tony Brighenti: North Worcester County Quabbin Anglers Association  
Nancy Talbot: Selectperson and Town Clerk, Ware  
Bill Barnett: Selectperson, Belchertown  
David Small: Athol Bird and Nature Club  
Dr. Alan Richmond: Department of Biology, UMass Amherst  
Dr. Mike Jones: State Herpetologist, Division of Fisheries and Wildlife

1. Meeting called to order by the Chairman at 6:37 P.M.
2. Dr. Larson introduced himself and thanked everyone for attending the meeting. He also thanked the Belchertown Selectman for making the meeting space available. The audience is invited to attend this meeting to observe the proceedings only. Any comments and questions can be submitted in writing via email, postal mail, or by completing the on-line survey form on the rattlesnake review website. Hard copies of this survey form are located at the front entrance, and can be given to Jennifer at the end of this meeting or mailed to the address indicated on the form. Any and all comments are welcomed, but there will be no time for the public to comment at this meeting.

Dr. Larson introduced each of the Review Group members, stating their names and affiliations, and asked each member to identify themselves by raising their hand.

3. The Rattlesnake Review Group was established in response to a pledge made by the Secretary, Commissioner, and Director after the rattlesnake oversight meeting in May of 2016. The plan is to have four total meetings, but a fifth meeting may be needed depending on the questions and comments received from the public. At the last meeting, the Review Group will make a recommendation to the Fisheries and Wildlife Board, and the Board will act on that recommendation.
4. Nancy Talbot motioned that the minutes of the January meeting be accepted, Anne Gobi seconded this motion, and members voted unanimously to approve the minutes. Tony Brighenti abstained from voting.
5. In response to the extensive and detailed questions and comments submitted by Bill Meehan, Dr. Mike Jones prepared a presentation to clarify the rattlesnake project and provide further detail and

background. Mike narrowed his presentation down to what he thought were the key elements based on the discussion at the January meeting. He keyed in on the biology, historic range, and urgent conservation actions for Timber Rattlesnakes, then identified the proposed framework of the project, including how actions were prioritized and will be implemented, and ended the presentation with site-by-site description and status. Below are a few notes from the presentation:

- The statutory responsibility of MassWildlife is to conserve all of Massachusetts' native fauna and flora species, including Timber Rattlesnakes.
- Massachusetts is on the very northern edge of where Timber Rattlesnakes can be found today, although they are absent from the cape and islands.
- Timber Rattlesnakes have occurred in MA for at least 6,000 to 9,000 years, and historically were widespread in at least 10 of the 14 counties in MA.
- On average, adults range 1 mile from their den.
- There are more than 30 historic rattlesnake sites across the state. Geographic place names (hill, mountain, ledge), anecdotal reports (town and county histories, centennial celebrations, and newspaper articles), and substantial reports (museum specimens, scientific reports, published studies, photographed records, and long-term quantitative studies) were used to reconstruct the historic range of rattlesnakes in MA. Mike provided examples of historic locations where there were established rattlesnake populations, but have since been extirpated.
- Only 5 isolated rattlesnake populations remain in MA, all of which are in areas that are heavily used by the public where the threats are difficult to mitigate.
- At least 2 populations have disappeared in the past 50 years, and 2 of the remaining populations are at risk of extirpation. Preventing the loss of these populations is one of MassWildlife's top conservation priorities.
- Historic threats causing range contraction and site extirpation include eradication efforts, habitat degradation and development, habitat fragmentation, and deforestation.
- Current threats to population persistence include habitat fragmentation, road mortality, incidental killing on trails and in residential areas, ATV/ORV mortality, targeted collection, increasing harassment at dens and basking areas, reduced fitness from inbreeding and genetic drift, and Snake Fungal Disease (SFD)
  - Today we have protected cores at each rattlesnake site, but these same factors remain threats. Populations are now difficult to identify as they become smaller and smaller. When a population becomes very small, they can accelerate towards extinction.
- Ongoing and necessary conservation actions:
  - Continue to protect key parcels of land (ongoing)
  - Continue to identify, close, and monitor unsanctioned recreation trails and enforce closures (ongoing)
  - Continue to identify and restrict public access to sensitive habitat features (ongoing)
  - Continue to refine and build law enforcement partnerships (ongoing)
  - Continue to refine and improve MESA regulatory review (ongoing)
  - Strategically headstart neonate snakes for release at the most imperiled natural sites (ongoing)
  - Continue to improve and strengthen outreach and education programs (ongoing)
  - Hire site monitors for the most imperiled sites (underway)
  - Strategically close park roads (underway)

- Formalize and implement standardized monitoring (underway)
- Develop and implement a genetic management plan (underway)
- Restore rattlesnakes to a fully protected location (proposed)
- Proposed conservation framework:
  - Site-based partnerships for rattlesnake conservation (Boston, CT Valley, Berkshire County). The reality is that sites have many stakeholders and landowners. Proposed to establish implementation teams for the various regions and these teams will meet regularly.
  - Regional partnerships with adjacent state agencies (VT, NH, CT, NY)
  - Rattlesnake working group
  - Funding: Regional grants are meant to go towards the most pressing conservation issues. Competitive State Wildlife Grant for SFD and a Regional Conservation Needs (RCN) program for monitoring protocols. Holohil Systems Ltd. and Roger Williams Park Zoo are providing the key elements of the proposed restoration effort. Other actions will be covered through the regular operating budget of MassWildlife.
- The most secure rattlesnake site is in Berkshire County. The threats to this site are hierarchically different than the Greater Boston and CT Valley sites.
- Restoring rattlesnakes to a fully protected site within the historic range, supported by new partnerships at local and regional levels, and guided by the most quantitative data available for the extant sites, is an appropriate and time-sensitive management action.
- Restoration to a single site could potentially occur in three distinct phases with public input and review by the Rattlesnake Review Group.

Dr. Larson asked the Working Group members if they had any questions or comments:

Anne Gobi: Is MassWildlife proposing to look at the five existing sites, choose one site, and start a repopulation of that 1 site?

Mike Jones: The proposal outlined in the presentation is the middle ground approach. Restoration of the species to a fully protected site is separate from our ongoing conservation effort. Restoration would be to one fully protected site, which would have to be a new site since all five of the surviving sites are partially, if not completely, on heavily used public land.

Susannah Whipps Lee: In regards to the number of rattlesnakes in MA right now, what is the optimal number where the population should be?

Mike Jones: It is not a matter of exactly how many individual snakes there are, but rather the demographic trends and the trajectory of the sites. If there were ever a new effort at a fully protected site, it would have to start with a phased effort. There would be an acceptable range that would be built into new models of what we'd do next. We need to approach this from a population stability standpoint.

Anne Gobi: I'm hearing we need to have more rattlesnakes, but you're not necessarily saying we need to ensure they are healthy and viable?

Mike Jones: We need to determine what is killing the young and what is keeping the adults from reproducing. First, we need to make sure the population is stable, which may then lead to population estimates.

Susannah Whipps Lee: There must be a point at which the Division of Fisheries and Wildlife determined they're endangered?

Mike Jones: We know that many of the sites in Massachusetts have been extirpated. Sites that are considered stable are those that have more than 50 adult snakes. However, we can't focus on this number. Rattlesnakes can become endangered from statewide contraction, when the population goes from statewide distribution down to just a few sites. The population is experiencing unsustainable adult mortality. Currently, there are likely more than 200 Timber Rattlesnakes, but less than 300 statewide.

Nancy Talbot: If I understood the presentation correctly, CT Valley sites B and C are threatened by constant incidental and targeted harassment. However, Site D is located in western MA and is somewhat protected, but has an overpopulation of snakes. Is this why you've decided to focus on the less populated areas?

Mike Jones: The most stable populations are sites with the least fragmentation. Conservation of existing sites would be less fragmented. We believe site D is currently stable. None of our sites are overpopulated.

Dan Hammock: Hypothetically, if there were 500 snakes at each site, could Timber Rattlesnakes still be considered endangered? The project is being rephrased to move away from Mt. Zion. We would like evidence of how many snakes are run over, how many are killed etc. Also, what is the evidence that the population is being decimated?

Mike Jones: In this scenario, the species could be considered endangered if there were still only five sites. Those sites might be considered stable, but there would only be five isolated sites compared to the more than 30 historic sites. The evidence will have to be a different conversation.

Tony Brighenti: You mentioned it's possible for the snakes to move up to four miles.

Mike Jones: Yes, but four miles would be the maximum range of a dispersing male over land only, not water.

Susannah Whipps Lee: We have many worries that come with protecting the rattlesnakes, one being limiting public access. How much space has to be limited to Mt. Zion?

Mike Jones: Mt. Zion is not on the table, we cannot focus on one site. Our smallest site is in Greater Boston.

Dan Hammock: What are the penalties if someone kills a snake? Show us some statistics.

Jonathan Yeo: He thinks people can be arrested, but doesn't know for sure whether there is a fine.

Dr. Larson: In a previous case, we were very discouraged by how low the fine was, and this was not an impressive reflection of how our judicial system operates.

Alan Richmond: MESA states the penalty for any type of legal "take" or interference of a species is a fine of not less than \$500 or imprisonment for not more than 90 days or both for the first offense. For a second offense, the penalty is a fine of not less than \$5,000 nor more than \$10,000 or imprisonment for not more than 180 days or both. Someone took a radio tagged snake from one of our sites and was only fined \$50. This is not a problem of the MESA Act; this is a problem of enforcement by our EPOs. The problem is that EPOs know nothing will happen if they arrest someone because the courts are so overloaded and the "take" of a snake is the least of their worries. For example, there was no penalty for the guy who carried a Copperhead down a mountain after being bitten and the local fireman who responded cut the snake in half. Limiting public access to sites with rattlesnakes may seem like a desperation move, but it's the only thing that will work if there's no prosecution.

Dan Hammock: Bill Meehan has suggested to the Committee that we not do long distance relocation of the snakes because it has been proven to be unsuccessful. If we take an endangered species and do

something that has already been done and has already been proven not to work, then it's going to be a wasted effort. Please look into this further.

Alan Richmond: There are problems with establishing a refugium population. It is a difficult proposition because there needs to be suitable den sites, the biology of the Timber Rattlesnake is difficult, and juveniles follow the scent trail of the adults back to the den. Enhancing an existing population is probably easier than creating an entirely new site because the juveniles wouldn't have a scent trail to follow back to the den. There would likely be fair mortality in the initial phases, but we could do it with skin sheds from adults to create an artificial scent trail. Yes, it is difficult to build a refugium, but it can be done, especially considering there are no better ideas.

Once the discussion concluded, Dr. Larson passed out a handout of the presentation. Every question that comes in from the public by the end of the public comment period will be answered prior to moving forward to the next step.

6. Nancy Talbot indicated that many people have not heard about the rattlesnake review working group website or the electronic survey form, and requested that this be front and center on the main DFG web page. Dr. Larson explained that IT is not handled by individual departments, but rather there is one IT department for all agencies within the Commonwealth. Additionally, all agencies must comply with the same web page design, layout, functionality, and accessibility. However, we can look into having a banner on the main DFW web page to try to draw people to the rattlesnake review working group web page. Dr. Larson added that every agency is arguing to get their content on the front page, so we cannot solve this issue. Jonathan Yeo confirmed that it is incredibly difficult to get onto the front page of any agency's website. Jonathan suggested sending an email to all public attendees at the meeting who signed in with a link to the website where they can fill out the survey form electronically. This way the attendees can forward the link on to their family and friends, and share the link via social media.

Dr. Larson also indicated that any documents produced as a result of these meetings are considered public documents. Therefore, the list of questions will be posted to the website. Additionally, once the comment period ends and responses are created, these responses will also be posted to the website.

7. As of February 24<sup>th</sup>, 73 questions and general comments, in addition to five comments submitted with citations regarding the scientific evidence behind the project, have been submitted by 41 individuals. Dr. Larson read the titles of the categories aloud to the audience and stated the most questions and comments received for any one category was regarding safety concerns. The categories were created based on the types of questions and comments submitted. New categories are created as the need arises and questions are moved into appropriate categories as we see fit. Although there may be some shift in categories, no questions or comments are ever eliminated. Anne Gobi questioned whether the Committee would be able to see the questions and comments received thus far. Dr. Larson initially indicated the Committee would be able to see the questions once the comment period ended. However, after a brief discussion and the Committee indicating they'd like to see the questions now and not wait until the very end since we are working on a tight schedule, Dr. Larson stated that the questions received to date would be provided to the Committee this week.

Dan Hammock commented that since NHESP is collecting the survey forms and letters and tabulating the responses, there could be a potential conflict of interest. Nancy Talbot added to Dan's comment that the Committee is looking for government transparency. Dr. Larson reiterated that these questions would be made available to the Committee and also posted to our website for the public to view as soon as possible.

8. Anne Gobi moved to table setting a date to close the public comment period for another discussion, Dave Small and several others seconded this motion, and members voted unanimously to table this topic.
9. Susannah Whipps Lee moved to table setting a date for the Science Advisory Group to provide responses to the public comments for another discussion, Nancy Talbot seconded this motion, and members voted unanimously to table this topic.
10. Members of the Rattlesnake Review Working Group unanimously decided to hold the next meeting on Wednesday, March 22, 2017 at 6:30 P.M. at the Knights of Columbus Hall in Ware.
11. Dan Hammock stated the Committee has not established a procedure to allow the public to speak at these meeting. The members are at these meetings because the legislatures requested public meetings for the public to voice their opinions and address their concerns. We have the opportunity to show the public that we are a government of the people, by the people, for the people, so we need to consider changing how these meetings operate.

Anne Gobi motioned the meeting be adjourned, Dave Small seconded this motion, and members voted unanimously to adjourn the meeting at 8:13 P.M.